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1637\$

PATENT  
Attorney Docket No. EXT-071

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Jones *et al.*  
SERIAL NO.: 09/766,880 GROUP NO.: 1637  
FILING DATE: January 19, 2001 EXAMINER: Siew, J.  
TITLE: Method and Apparatus for Separating and Detecting Nucleic Acid

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12<sup>th</sup> day of November, 2003.

  
Lisa Marie Solis

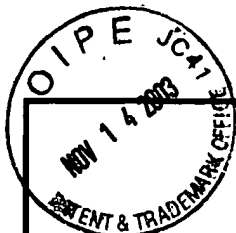
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is/are:

1. Transmittal Form (1 pg);
2. Fee Transmittal Form (1pg);
3. Supplemental Information Disclosure Statement (2 pgs);
4. PTO Form-1449 (1 pg) and copies of cited references A1-A8 and B2-B14;
5. A check in the amount of \$180; and
6. Return Receipt Postcard.

2705420



# TRANSMITTAL FORM

Application Serial Number	09/766,880
Filing Date	January 19, 2001
First Named Inventor	Jones
Group Art Unit	1637
Examiner Name	Siew, J.
Attorney Docket No.	EXT-071
Patent No.	Not applicable
Issue Date	Not applicable

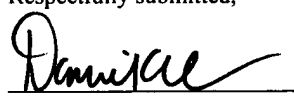
## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (\$180.00) <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal	<input type="checkbox"/> Status Inquiry
<input checked="" type="checkbox"/> Supplemental Information Disclosure Statement <input checked="" type="checkbox"/> Form PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations A1-A8 and B2-B14	<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
	<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
	<input type="checkbox"/> CD(s) for large table or computer program	
	<input type="checkbox"/> Amendment After Allowance	
	<input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	

## CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

## SIGNATURE BLOCK

Respectfully submitted,  
  
Daniel A. Wilson  
Atty/Agent for Applicant(s)  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110

Date: November 12, 2003  
Reg. No. 45,508  
Tel. No.: (617) 248-7226  
Fax No.: (617) 248-7100



**FEE TRANSMITTAL**  
FY 2004

Complete if Known

Application Serial Number	09/766,880
Filing Date	January 19, 2001
First Named Inventor	Jones
Group Art Unit	1637
Examiner Name	Siew, J.
Attorney Docket No.	EXT-071

**METHOD OF PAYMENT**

1. ☒ Payment Enclosed:  
☒ Check ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.  
☐ Required Fees (copy of this sheet enclosed).  
☒ Additional fee required under 37 CFR 1.16 and 1.17.  
☒ Overpayment Credit.
3. ☐ Applicant claims small entity status.

**FEE CALCULATION**

**1. FILING FEE**

**Large Entity**

Fee (\$)	Fee Description	Fee Paid
770	Utility filing fee	
340	Design filing fee	
160	Provisional filing fee	

Number Filed	Number Extra	Rate	Amount
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Total Claims - 20 = x \$ 18.00 =

Independent Claims - 3 = x \$ 86.00 =

☐ Multiple Dependent Claim(s), if any \$290.00 =

TOTAL:  
SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$) 0.00

**2. AMENDMENT CLAIM FEES**

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
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Total - = x \$ 18.00 =

Indep. - = x \$ 86.00 =

☐ First Presentation of Multiple Dep. Claim + \$290.00 =

TOTAL: (\$)  
SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$) 0.00

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	
420	210	Extension for reply within second month	
950	475	Extension for reply within third month	
1480	740	Extension for reply within fourth month	
2010	1005	Extension for reply within fifth month	
330	165	Notice of Appeal	
330	165	Filing a brief in support of an appeal	
290	145	Request for oral hearing	
130	130	Petitions to the Commissioner	
180	180	Submission of Information Disclosure Statement	180.00
770	385	Filing a submission after final rejection (37 CFR 1.129(a))	
770	385	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
110	55	Submission of Terminal Disclaimer	
Other fee (Specify)			
Other fee (Specify)			

SUBTOTAL (3) (\$) 180.00

SUBTOTAL (1) 0.00

SUBTOTAL (2) 0.00

SUBTOTAL (3) 180.00

TOTAL (\$) 180.00

**CORRESPONDENCE ADDRESS**

Direct all correspondence to:

Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower-125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

**SIGNATURE BLOCK**

Date: November 12, 2003  
Reg. No.: 45,508  
Tel. No.: (617) 248-7226  
Fax No.: (617) 248-7100

Respectfully submitted,  
  
Daniel A. Wilson  
Attorney for the Applicants  
Testa, Hurwitz & Thibault, LLP  
High Street Tower-125 High Street  
Boston, MA 02110



PATENT  
Attorney Docket No. EXT-071

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TITLE: Method and Apparatus for Separating and Detecting Nucleic Acid

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patent application and other documents listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patent application and other documents are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☒ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, **OR**
- ☒ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or

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180.00 OP

- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

It is respectfully requested that each of the patent application and other documents listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

### STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

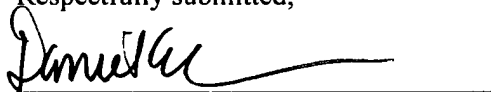
- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Date: November 12, 2003  
Reg. No. 45,508

Tel. No.: (617) 248-7226  
Fax No.: (617) 248-7100

2705422

Respectfully submitted,



Daniel A. Wilson  
Attorney for Applicants  
Testa, Hurwitz, & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110



FORM PTO - 1449					ATTORNEY DOCKET NO.: EXT-071				
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT					APPLICANT(S): Jones <i>et al.</i>				
					SERIAL NO.: 09/766,880				
					FILING DATE: January 19, 2001 GROUP: 1637				
U.S. PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE		
	A1	6,238,927	05/29/01	Abrams <i>et al.</i>	436	94	10/04/99		
	A2	6,214,187	04/10/01	Hammond <i>et al.</i>	204	450	06/18/99		
	A3	6,180,770	01/30/01	Boles <i>et al.</i>	536	23.1	10/30/98		
U.S. PATENT APPLICATION PUBLICATION DOCUMENTS									
	A4	2003/0170635	09/11/03	Hammond <i>et al.</i>	435	6	03/01/02		
	A5	2003/0138774	07/24/03	Jones <i>et al.</i>	435	6	01/19/01		
	A6	2002/0197614	12/26/02	Weir <i>et al.</i>	435	6	10/01/01		
	A7	2002/0123060	09/05/02	Boles <i>et al.</i>	435	6	12/19/01		
	A8	2002/0119480	08/29/02	Weir <i>et al.</i>	435	6	12/06/01		
FOREIGN PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG (Y/N)
/	B2	WO 01/053817	07/26/01	PCT			01/18/01		Y
/	B3	WO 00/60118	10/12/00	PCT			03/31/00		Y
/	B4	WO 00/50870	08/31/00	PCT			02/25/00		Y
/	B5	WO 00/50644	08/31/00	PCT			02/25/00		Y
/	B6	WO 00/20643	04/13/00	PCT			10/04/99		Y
/	B7	WO 00/060120	10/12/00	PCT			03/31/00		Y
/	B8	WO 99/66079	12/23/99	PCT			06/18/99		Y
/	B9	WO 99/66078	12/23/99	PCT			06/18/99		Y
/	B10	WO 99/45374	09/10/99	PCT			03/03/99		Y
/	B11	WO 99/30145	06/17/99	PCT			12/04/98		Y
/	B12	WO 99/26724	06/03/99	PCT			11/25/98		Y
/	B13	WO 98/39351	09/11/98	PCT			02/20/98		Y
/	B14	JP H3 47097A	02/28/91	JP			07/13/89		English Trans.
EXAMINER					DATE CONSIDERED				

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